IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 9116 of 2005

Between:

Kishan Rao, S/o.Raghavender rao,
Uligundam village, R/o.Ulilgundam Mandal,
Damargidda Dist. Mahabubnagar.

..... PETITIONER

AND

1. The Commissioner, Panchayat Raj &

Rural Development Department,
Govt. of A.P., Hyderabad.

2. The Disrict Collector, Panchayat Wing,

Mahabubnagar Dist. Mahabubnagar.

3. The Divisional Panchayat officer,

Narayanpet Division, Dist. Mahabubnagar.

4. The Mandal Development officer,

Mandal Praja, Parishad, Damargidda Mandal,
Mahabubnagar Dist.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order, particularly a writ in the nature of Mandamus, declaring the inaction of the respondent No.1 herein in passing the order of stay of all further proceedings in pursuance of the orders of the respondent No.2 in proceedings NO.A1/1212/2004-I, dt. 4th Jan, 2005 and notification copy, removing the petitioner from the post of Sarpanch of Uligundam village, against which Appeal is being filed and pending with the respondent No.1 in proceedings No.C.No.2407/CPR/D1/05 inspsite of hearing the same on 21/3/2005 and the action of the respondent No.4 in not allowing me to attend the meetings to be held in Dama Gidda Mandal of Mahabub Nagar District, inspite of the orders of this Hon'ble court in W.P.No.405/2005, dt.3rd March, 2005 as illegal, against the principles of, arbitrary, *mala fide* and high handed on the part of the respondent no 1 and pass any other appropriate orders in the circumstances of the case in the interests of justice.

Counsel for the Petitioner: MR.BAJRANG SINGH THAKUR

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

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ORDER:

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The petitioner is the sarpanch of Uligundam village, Damargidda mandal, Mahabubnagar District. Earlier, a show cause notice was issued on 12-8-2004 in proceedings No.A1/1212/2004 to show cause why his cheque power should not be withdrawn. Subsequently, by referring to certain financial irregularities, further orders were passed on 4-1-2005 by the Collector, Mahabubnagar, removing the petitioner from the post of Sarpanch in exercise of powers under Section 249(1) of A.P. Panchayat Raj Act, 1994.

On the ground that the appeal preferred by the petitioner was already heard, and, as no final orders are passed, this Writ Petition is filed.

On instructions, the learned Government Pleader submits, that as much as the arguments are already concluded, at any moment orders will be pronounced by the appellate authority.

Inasmuch as the very removal order is questioned before the appellate authority, and also, in view of the fact that arguments are already advanced in such appeal, I dispose of the Writ Petition directing the appellate authority to pass appropriate orders and communicate the same to the petitioner, within two weeks from the date of receipt of this order.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

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R.SUBHASH REDDY,J.

Date: 28th April 2005.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Panchayat Raj &

Rural Development Department,
Govt. of A.P., Hyderabad.

2. The Disrict Collector, Panchayat Wing,

Mahabubnagar Dist. Mahabubnagar.

3. The Divisional Panchayat officer,

Narayanpet Division, Dist. Mahabubnagar.

4. The Mandal Development officer,

Mandal Praja, Parishad, Damargidda Mandal,
Mahabubnagar Dist.

5. Two CCs to the Government Pleader for Panchayat Raj & Rural

Development, High Court of A.P., Hyderabad (OUT).

6. Two CD copies

7. 1 CC to MR.BAJRANG SINGH THAKUR